

Title 172 WAC
EASTERN WASHINGTON UNIVERSITY

Chapters

172-114	Constitution of associated students.
172-180	Delegated authorization to hire, dismiss and discipline classified personnel.

Chapter 172-114 WAC
CONSTITUTION OF ASSOCIATED STUDENTS

WAC

172-114-010	Preamble.
172-114-020	Article I—Name, definitions, and membership.
172-114-030	Article II—Students' rights and responsibilities.
172-114-040	Article III—Legislation.
172-114-050	Article IV—Executive.
172-114-060	Article V—Elections.
172-114-070	Article VI—Judicial.
172-114-090	Article VIII—Budgeting.
172-114-110	Amendments.

WAC 172-114-010 Preamble. We, the Associated Students of Eastern Washington University, in order to develop in the students the concept of self government; an appreciation and understanding of democratic values and processes; to strengthen in the student the realization of his rights, responsibilities, and common interest with the community as a citizen, to represent student interests, needs and welfare; to develop in the students an understanding and appreciation of their personal, social, and vocational relationship to the society in which they live; develop in the students fellowship and understanding; and to provide a physical and social environment in which to achieve the above objectives do affirm and establish this Constitution subject to the authority vested in the Associated Students by the Board of Trustees of Eastern Washington University. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-010, filed 8/16/78; Order 74-8, § 172-114-020, filed 11/1/74; Order 74-4, § 172-114-020, filed 1/24/74; Order 72-9, § 172-114-020, filed 9/20/72.]

WAC 172-114-020 Article I—Name, definitions, and membership. (1) The name of this organization shall be the "Associated Students of Eastern Washington University," referred to herein as "A.S."

(2) When used in this Constitution, the following terms shall mean:

(a) "University" means Eastern Washington University and, collectively those responsible for its control and operation.

(b) "Student" includes all persons enrolled in any course at the university.

(c) "Instructor" means all persons hired by the university to conduct classroom activities. In certain situations a person may be both "student" and "instructor." Determination of his status in a particular situation shall be determined by the surrounding facts.

(d) "Legal compulsion" means a state or federal judicial or legislative order which requires some action by the person to whom it is directed.

(e) "Organization" means a number of persons who have complied with the formal requirements of university recognition as in WAC 172-114-030(5).

(f) "Group" means members of the university community who have not yet complied with the formal requirements for becoming an organization.

(g) "Student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of a campus organization.

(h) "Shall" is used in the imperative sense.

(i) "May" is used in the permissive sense.

(j) All other terms have their natural meaning unless the context dictates otherwise.

(3) All students who are registered for one credit hour or more at Eastern Washington University shall be members of this organization for the period of time covered by the fee. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-020, filed 8/16/78; Order 74-8, § 172-114-020, filed 11/1/74; Order 74-4, § 172-114-020, filed 1/24/74; Order 72-9, § 172-114-020, filed 9/20/72.]

WAC 172-114-030 Article II—Students' rights and responsibilities. (1) The following enumeration of rights shall not be construed to deny or disparage others retained by students in their capacity as members of the student body or as citizens.

(2) Access to higher education. Within the limits of its facilities and budget, the university shall be open to all applicants who are qualified according to its admission requirements. No person once enrolled may be denied attendance or academic advancement except for disqualification on academic grounds or conviction of violating university rules.

(3) Education.

(a) Students are free to pursue their educational goals within existing university programs; appropriate opportunities for learning shall be provided by the state within its financial resources and the student's ability. This shall include the knowledge, imagination, and dedication of faculty and administrators through excellent teaching and readily available and adequate advice and counsel.

(b) Discussion and expression of all views relevant to the subject matter is permitted in the classroom subject only to the responsibility of the instructor to maintain order and to present course content. Students are responsible for learning the content of any course for which they are enrolled. Requirements for participation in classroom discussion and submission of written exercises are not inconsistent with this section.

(c) Academic evaluation of student performance shall be neither prejudicial nor capricious. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisers, and counselors, is confidential and is not to be disclosed to others unless under legal compulsion. Questions relating to intellectual or skills capacity are not subject to this section.

(4) Campus Expression.

(a) Free inquiry, expression, petition, and assembly are guaranteed to all students. Support of any cause by lawful means which do not disrupt the operation of the university is permitted. Students, groups, and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of university facilities.

(b) The right of peaceful protest is granted within the university community. The university retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process.

(c) Orderly picketing and other forms of peaceful protest are permitted on university premises. Interference with ingress to and egress from university facilities, interruption of classes, or damage to property exceeds permissible limits. Even though remedies are available through local enforcement bodies, the university may choose to impose its own disciplinary sanctions.

(d) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the university. Any student, group, or organization may protest against any such organization provided that protest does not interfere with any other student's right to have such an interview.

(5) Campus Organizations.

(a) Organizations and groups may be established within the university for any legal purpose. Affiliation with an extramural organization shall not, in itself, disqualify the university branch or chapter from university privileges. Any organization which engages in illegal activities may have sanctions imposed against it including withdrawal of university recognition for a period not exceeding one year.

(b) A group shall become an organization when formally recognized by the university. All groups that meet the following requirements shall be recognized:

(i) Submission of a list of officers and copies of the constitution and bylaws to the appropriate university official or body. All changes and amendments shall be submitted within one week after they become effective.

(ii) Where there is affiliation with an extramural organization, that organization's constitution and bylaws shall be filed with the appropriate university official or body. All amendments shall be submitted within a reasonable time after they become effective.

(iii) All sources of outside funds shall be disclosed.

(c) Membership in all university related organizations, within the limits of their facilities, shall be open to any member of the university community who is willing to subscribe to the stated aims and meet the stated obligations of the organization.

(d) University facilities shall be assigned to organizations, groups, and individuals within the university community for regular business meetings, for social programs, and for programs open to the public; provided:

(i) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance.

(ii) Preference may be given to programs designed for audiences consisting primarily of members of the university community.

(iii) Allocation of space shall be made based on priority of requests and the demonstrated needs of the organization, group or individual.

(iv) The university may delegate the assignment function to an administrative official or a student committee or organization.

(v) Charges may be imposed for any unusual costs for use of facilities.

(vi) Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties and restitution for damages.

(vii) The individual, group, or organization requesting space must inform the university of the names of outside speakers and indicated subject.

(e) No individual, group, or organization may use the university name without the express authorization of the university, except to identify the university affiliation. University approval or disapproval of any policy may not be stated or implied by any individual, group, or organization.

(6) Publications

(a) A student, group, or organization may distribute written material on campus without prior approval providing such distribution does not disrupt the operations of the university and the material clearly states the publisher.

(b) The student press is to be free of censorship. The editors and manager shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on a university controlled and student-operated radio or television station. This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

(c) All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the university or its student body.

(7) University Government.

(a) All constituents of the university community are free, individually and collectively, to express their views on issues of university policy and on matters of interest to the student body. Clearly defined means shall be provided for student expressions on all university policies affecting academic and student affairs.

(b) The role of student government and its responsibilities shall be made explicit. Student government actions reviewed by the university shall only be reviewed through procedures agreed upon in advance.

(c) On questions of education policy, students are entitled to a participatory function. Faculty-student committees shall be created to consider questions of policy affecting student life. Students shall be designated as members of standing and special committees concerned with university policy affecting academic and student

affairs, including those concerned with curriculum[,] discipline, admissions, and allocation of student fees.

(8) Privacy.

(a) The right of students to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed. These rights of privacy extend to university-owned housing. Nothing in the university relationship or housing contract may expressly or by implication give the university or housing officials authority to consent to a search of a student's room by police or other government officials, or anyone else.

(b) When the university seeks access to a university-owned student room to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared.

(9) Student Records.

(a) The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files shall be maintained only by full-time members of the university staff employed for that purpose. Separate files shall be maintained of the following: Academic records, supporting documents, and general educational records; records of discipline proceedings; medical and psychiatric records; and financial aid records.

(b) No entry may be made on a student's academic record and no document may be placed in his file without actual or constructive notice to the student. All matters placed in a student's file in accordance with published customary and ordinary policies, procedures, and regulations, shall constitute constructive notice.

(c) Access to his official, institutional records and files is guaranteed every student subject only to reasonable regulations as to time, place, and supervision. A student may challenge the accuracy of any entry or the presence of any item by bringing the equivalent of an equitable action against the appropriate person.

(d) No information in any student file may be released to anyone except with the prior written consent of the student concerned or as stated below:

(i) Members of the faculty with administrative assignments may have access for internal educational purposes as well as routinely necessary administrative and statistical purposes.

(ii) The following data may be given an inquirer: School or division of the enrollment, periods of enrollment, degrees awarded, honors, and major field.

(iii) If any inquiry is made in person or by mail, the following information may be given in addition to that in subsection (ii) immediately above: Address and telephone number, date of birth, and unless the student has instructed the registrar's office not to release copies of his transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference.

(iv) Properly identified officials from federal, state, and local government agencies may be given the following information upon express request in addition to that in subsections (ii) and (iii) immediately above: Name and address of parent or guardian if student is a minor, and any information required under legal compulsion.

(v) Unless under legal compulsion, personal access to a student's file shall be denied to any person making an inquiry.

(e) Upon graduation or withdrawal from the university, the records and files of former students shall continue to be subject to the provisions of this section[.]

(10) Procedural Standards in Disciplinary Proceedings. Disciplinary proceedings must guarantee fundamental concepts of fair play (due process). The procedural requirements of due process may vary with the seriousness of the charge. In every proceeding in which a major disciplinary action is contemplated, the student shall have the rights of due process, including at least:

(a) The student shall be informed, in writing, of the reasons for the proposed disciplinary action, including charges, with sufficient time to ensure opportunity to prepare for the hearing.

(b) The burden of proof shall rest upon the official bringing the charge.

(c) Upon request, the right to: Closed proceedings, confrontation and cross examination of witnesses, be present, challenge any member hearing the case and witnesses, a record of the appeal at least one step beyond the initial determination.

(d) All matters upon which the decision may be based must be introduced into evidence at the proceeding. The decision shall be based solely upon such matter. Illegally acquired evidence may not be admitted.

(e) No person who is otherwise interested in the particular case may sit in judgment during the proceeding.

(f) The decision shall be final subject only to the student's right [to] [of] appeal.

(11) Procedural Standards in Student Complaint Proceedings. If students have complaints of infringement of their rights, they shall, on request, have a hearing. Minimum requirements of procedural due process for all persons [shall] [should] include those in WAC 172-114-030(10) and:

(a) The University Disciplinary Committee should include both faculty and student members.

(b) The decision of the University Disciplinary Committee should be final, subject only to the right of appeal by parties concerned.

(12) Dual Membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no

greater penalty than would normally be imposed. Institutional action should be independent of community pressure. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-030, filed 8/16/78; Order 74-8, § 172-114-030, filed 11/1/74; Order 72-9, § 172-114-030, filed 9/20/72.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 172-114-040 Article III—Legislation. (1) The legislative powers of the A.S. shall be vested in the legislature and may not be transferred.

(2) All legislation shall include: The names of the sponsor(s), date of introduction, committee referred to—if any, disposition, and date of disposition, signatures of A.S. Speaker and A.S. President; take effect immediately upon signature by the A.S. President or override of his veto by the A.S. Legislature; and shall continue in effect until five years from the last date of signature or override or until rescinded.

(3) The voting members of the legislature shall consist of fifteen representatives known as legislators, elected by numbered, at-large positions for one year terms. The legislators shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 5, elected Fall Quarter; Positions 6 through 10, elected Winter Quarter; Positions 11 through 15, elected Spring Quarter. Provided, that no person may hold more than one voting seat in the legislature, and the A.S. President and A.S. Vice President may not hold voting seats in the legislature.

(4) Candidates/members for/of the legislature shall be members of the A.S. and have/maintain a two point cumulative grade point average, be enrolled for and complete six credit hours in the previous quarter (excluding summer quarter), and have at least one quarter in residence. A legislator's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding summer quarter), or declaration of nonperformance of duties stated in this Constitution, or violation of this Constitution, by the A.S. Superior Court. Legislators who miss three full regularly scheduled consecutive meetings or four full regularly scheduled meetings during a quarter shall have their seat declared vacant by the A.S. Speaker. All vacancies shall be filled for the balance of the term at the next regularly scheduled election.

(5) The legislature shall be the judge of all of the A.S. election returns and of the qualifications of its legislators and a majority of its legislators shall constitute a quorum; there shall be no proxy voting; and there shall be no secret balloting.

(6) The legislature shall meet not less than once each month during Fall, Winter, and Spring Quarters, and at special meetings called by the Speaker, one-third of its legislators, or by the presentation to the President of a petition signed by five percent of the A.S. All meetings shall be open to the public, a record shall be kept of the votes taken therein, and copies of the minutes shall be

available to any member of the university community upon request.

(7) The legislature shall have the following powers and duties:

(a) Be responsible for its own organization, election of legislative committees, the employment and supervision of those employees whom it deems necessary to assist it or individual legislators in the exercise of their legislative duties and powers, provided it budgets for same, and said salaries shall not exceed a cabinet member's salary.

(b) Elect an A.S. legislator to the position of Speaker the third meeting of Fall, Winter, and Spring Quarters, who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker's office shall be filled in the same manner for the balance of the unexpired term.

(c) Elect an A.S. legislator to the position of Speaker Pro-Tem the third meeting of Fall, Winter, and Spring Quarters who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker Pro-Tem's office shall be filled in the same manner for the balance of the unexpired term.

(d) The legislature shall elect from among its members a Legislative Coordinator to serve during Summer Quarter who may receive a salary not to exceed that of a cabinet member.

(e) Shall enforce this Constitution.

(f) May remove a cabinet officer for nonperformance of duties or violation of this Constitution.

(g) May request the A.S. Superior Court to find the A.S. President guilty of nonperformance of duties stated in this Constitution or violation of this Constitution.

(h) Upon a two-thirds vote of the A.S. Legislature, the A.S. President may be recalled as described in WAC 172-114-080(5).

(i) No legislative committee shall have the authority to delay presentation to the full legislature legislation referred to it for more than two meetings without permission of the sponsor.

(j) Budget and disbursal of all funds on behalf of A.S.

(k) Cause to have published an annual Financial Statement and Audit.

(l) Establish policies for and have supervision of all officials, budgets, committees, and organizations.

(m) Render advice upon and approve or reject all appointments made by officials of the Associated Students of Eastern Washington University.

(n) Publish the A.S. Committee Manual stating the membership, eligibility, purpose, and duties of each committee.

(o) Approve and remove persons to and from committees.

(p) Enact all legislation necessary to ensure that its policies are enforced.

(q) Do anything else necessary or convenient to carry out this Constitution.

(r) By a two-thirds vote of the A.S. Legislature, the A.S. Legislature may override a veto by the A.S. President.

(s) The Speaker shall have the following powers and duties: Prepare the agenda for and chair all meetings of

the legislature; call meetings of the legislature; prepare a schedule of regular meetings at the beginning of Fall, Winter, and Spring Quarters for the advice and consent of the A.S. Legislature; appoint a clerk and other assistants which may be beneficial to the performance of his office or the functioning of the legislature, with its advice and consent, and to request salaries for the same, not to exceed a cabinet member's salary; shall be responsible for executing legislative decisions; all administrative matters of the legislature; make all legislative appointments, except as otherwise provided in this Constitution, subject to the advice and consent of the legislature; assume the duties of the Vice President during the Vice President's absence or disability or vacancy of the office of Vice President until the vice presidential vacancy is filled as provided for in Article IV, section (2) (WAC 172-114-050(2)); and to do all things necessary or convenient to carry out such duties not in conflict with this Constitution. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-040, filed 8/16/78; Order 75-8, § 172-114-040, filed 7/24/75; Order 75-5, § 172-114-040, filed 5/9/75; Order 74-8, § 172-114-040, filed 11/1/74; Order 74-5, § 172-114-040, filed 6/5/74; Order 72-9, § 172-114-040, filed 9/20/72.]

WAC 172-114-050 Article IV--Executive. (1) The executive power of the A.S. shall be vested in the A.S. President and A.S. Vice President and may not be transferred.

(2) Candidates for the offices of and the A.S. President and A.S. Vice President shall be members of the A.S., shall have/maintain a two point cumulative grade average, be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter for the A.S. Vice President), shall have a minimum of five quarters as a full-time student, at least three of which shall be in residence at the university immediately prior to election for office. The A.S. President's and A.S. Vice President's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding Summer Quarter for the A.S. Vice President), or declaration of nonperformance of duties [states] [stated] in this Constitution or violation of this Constitution, by the A.S. Superior Court. In case of vacancy in the office of the presidency, the Vice President shall assume the presidency for the balance of the unexpired term.

(3) The President and Vice President shall serve one year terms, or until a successor takes office, taking office on the ninth Thursday of the quarter in which they are elected, which shall be Spring Quarter.

(4) The President shall serve as the chief executive officer and representative of A.S.; shall enforce this Constitution; shall be responsible for executing legislative and judicial decisions; shall present to the legislature, at its first meeting of each quarter, his executive request legislation; may veto any legislative bill or supplemental budget passed by the A.S. Legislature within three working days of passage; shall sign all legislation within three working days of passage or override of veto

by the A.S. Legislature; may create cabinet positions and appoint cabinet officers with the advice and consent of the legislature, who will serve at his pleasure except as provided for in Article III, section (7)(f) (WAC 172-114-040(7)(f)), and request salaries for such cabinet officers not to exceed the limit in Article VIII, section (7) (WAC 172-114-090(7)); make all appointments in an expeditious manner, except as otherwise provided for in this Constitution, subject to the advice and consent of the legislature; shall hold twice a month executive meetings with the A.S. Vice President, Cabinet, Speaker, and Speaker Pro-Tem while the university is in session; all administrative matters and programs of A.S. except as otherwise provided for in this Constitution; may request the A.S. Superior Court to find an A.S. Legislator guilty of nonperformance of his duties stated in this Constitution or violation of this Constitution; and do all things necessary or convenient to carry out such duties not in conflict with this Constitution.

(5) The Vice President shall assume the office of A.S. President upon that position being vacant as provided for in Article IV, section (2) (WAC 172-114-050(2)); assume any duties delegated by the President; shall supervise all A.S. elections; shall be responsible for validating all petitions; and assume the duties of the President during the President's absence or disability. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-050, filed 8/16/78; Order 75-8, § 172-114-050, filed 7/24/75; Order 75-5, § 172-114-050, filed 5/9/75; Order 74-8, § 172-114-050, filed 11/1/74; Order 74-5, § 172-114-050, filed 6/5/74; Order 72-9, § 172-114-050, filed 9/20/72.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 172-114-060 Article V--Elections. (1) There shall be a regular A.S. election on the eighth Thursday of Fall, Winter, and Spring quarters; it shall be preceded by a primary election one week prior; filing shall close one week prior to the primary election and shall open one week prior to closing.

(2) The positions of legislators, President, Vice President, and vacancies therein shall be filled through regular elections with a majority of ballots cast being required for election.

(3) All those candidates who filed in the A.S. office by 5:00 o'clock P.M. on the last day of filing and are qualified shall have their names entered on the primary election ballot. The two candidates receiving the most votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot: *Provided, however, That in case of a tie for the second most votes in the primary, the three candidates receiving the most votes for that office who are qualified shall have their names entered on the final election ballot.*

(4) Should no candidate receive a majority in the final election, a run-off election shall be held one week after the final election between the two persons receiving the most votes in the final election, who are qualified, and

only ballots for those two persons shall be counted: *Provided, however,* That in case of a tie for the second most votes in the final election, the run-off election shall be between the three candidates receiving the most votes for the office, and only ballots for those three persons shall be counted.

(5) Should no candidate receive a majority in a run-off election, the legislature shall select the winner from between those entered on the run-off election ballot, by a majority of the legislators at its next meeting.

(6) All votes shall be cast by secret ballot. The names of the candidates shall appear on the ballot in the order in which filed. All ballots shall be kept under lock and key for six months after each election.

(7) The polls shall be located at:

- (a) Pence Union Building;
- (b) Tawanka Commons; and
- (c) As otherwise provided for by the legislature.

The polls shall be open from 8:00 o'clock a.m. until 7:00 o'clock p.m., and members of A.S. shall be allowed to vote upon presentation of suitable identification, providing that they shall be allowed to vote but once in each election.

(8) Any member of A.S. may present an "Application of Absent Voter" form to the Office of A.S. Vice President or his/her designee for an absentee voter ballot.

(9) Two election clerks shall be assigned to each polling place and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling place. They may not be, nor related to, any current student. They shall be employed through the office of the A.S. Vice President. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-060, filed 8/16/78; Order 75-8, § 172-114-060, filed 7/24/75; Order 74-8, § 172-114-060, filed 11/1/74; Order 74-5, § 172-114-060, filed 6/5/74; Order 72-9, § 172-114-060, filed 9/20/72.]

WAC 172-114-070 Article VI--Judicial. (1) The judicial authority of the A.S. shall be vested in a Superior Court and such lesser courts as the A.S. Legislature may from time to time establish. The judges, both of the Superior and lesser courts, shall be members of the A.S., have/maintain a two point cumulative grade average[,] and be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter). Members of the Superior Court and lesser courts shall serve until they resign, cease to be a member of A.S. (excluding Summer Quarter), or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths of the legislators and tried by the University Disciplinary Committee.

(2) The Superior Court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of judicial review.

(3) No court may render an opinion, hear evidence, nor pass judgment in the absence of a quorum, which shall be a majority of the court.

(4) The Superior Court shall consist of seven Justices who shall select from their members one who shall serve

as Chief Justice, the others serving as Associate Justices. It shall be the duty of the Chief Justice to preside as chairman and chief officer at all meetings of the Superior Court and may appoint a court clerk and other assistants which may be beneficial to the functioning of the Superior Court, with the advice and consent of the legislature, and to request salaries for the same, not to exceed a cabinet member's salary.

(5) The Justices of the Superior Court shall be appointed by the President with the advice and consent of the legislature. Vacancies shall be filled in the same manner.

(6) The procedure of the judicial shall follow those principles of United States law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all Superior Court case records and court decisions and opinions shall be maintained in the University Library.

(7) The Superior Court and lesser courts shall hear all cases and render opinions in as expeditious manner as is possible. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-070, filed 8/16/78; Order 72-9, § 172-114-070, filed 9/20/72.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 172-114-090 Article VIII--Budgeting. (1) The budgeting authority of the A.S. shall be vested in the legislature and may not be transferred.

(2) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding two fiscal years and requested appropriations for the next fiscal year; and shall include any proposed capital improvement program for the next six fiscal years.

(3) Copies of the budget shall be delivered to each member of the legislature and be available to any member of the university community upon request.

(4) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(5) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by his action; providing the legislature may permit the A.S. to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years.

(6) Regular budgets shall be those budgets adopted during Spring Quarter for the following fiscal year.

Supplemental budgets shall be all other budget requests made throughout the year.

(7) The A.S. President and A.S. Speaker shall receive quarterly salaries based upon the following formula: Quarterly cost of in-state tuition, double occupancy room and board, and \$100 for expenses. The A.S. Vice President shall receive a quarterly salary, except for Summer Quarter, based upon the following formula: Quarterly cost of in-state tuition and double occupancy room and board. Cabinet officers may be paid no more than one-half of the A.S. President's salary. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-090, filed 8/16/78; Order 74-8, § 172-114-090, filed 11/1/74; Order 74-5, § 172-114-090, filed 6/5/74; Order 72-9, § 172-114-090, filed 9/20/72.]

WAC 172-114-110 Amendments. (1) This Constitution may be amended by a two-thirds vote of those voting on the proposed modification at any regular election provided that 15% of the members of A.S. vote in that election. If [so] adopted, it shall become effective upon approval, as prescribed under Administrative Procedures Act hearing rules, by the board of trustees.

(2) Proposed constitutional amendments shall be presented to the members of the A.S. for approval upon the request of at least two-thirds of the voting members of the legislature or upon petition of at least ten percent of the A.S.

(3) The bylaws may be amended by a two-thirds vote of the voting members of the legislature providing that previous written notice of such amendment has been given at the previous meeting, or by a majority of those voting on the proposed modification at any regular election and if so adopted shall become effective immediately.

(4) Proposed bylaws amendments shall be presented to the members of the A.S. for approval upon the request of at least one-half of the voting members of the legislature or upon at least ten percent of the members of the A.S.

(5) Approved constitutional and bylaws amendments shall be incorporated into the article, section, and clause of the Constitution or bylaws to which they refer. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution 78-03), § 172-114-110, filed 8/16/78; Order 74-5, § 172-114-110, filed 6/5/74; Order 72-9, § 172-114-110, filed 9/20/72.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

Chapter 172-180 WAC DELEGATED AUTHORIZATION TO HIRE, DISMISS AND DISCIPLINE CLASSIFIED PERSONNEL

WAC

- 172-180-010 Introduction and purpose.
- 172-180-020 Delegation of appointing authority power.
- 172-180-030 Scope of powers delegated to appointing authorities.

172-180-040 Effective date.

WAC 172-180-010 Introduction and purpose. In accordance with the requirements of WAC 251-12-010, through which the Higher Education Personnel Board of the state of Washington did authorize "appointing authorities" to demote, suspend, and reduce in salary or dismiss any employee under its jurisdiction for the causes stated in such rule, the Board of Trustees at Eastern Washington University hereby promulgates the following rules delegating the powers conferred upon it as an appointing authority. Such power is expressly derived from RCW 28B.40.120, which statute accords the Board of Trustees the power and duty to employ, discipline, and discharge university employees within the limitations provided by law, and RCW [28B.10.528] [28B.40.528], which statute expressly accords the Board of Trustees the power, when exercised by resolution, to delegate to any designee powers and duties vested in or imposed upon the board by law. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-010, filed 5/5/78; Order 73-7, § 172-180-010, filed 3/20/73.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 172-180-020 Delegation of appointing authority power. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the Higher Education Personnel Board, the Board of Trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

- (1) The President;
- (2) The Executive Vice President;
- (3) The Provost for Academic Affairs;
- (4) The Vice Provost for Graduate and Undergraduate Studies;
- (5) The Vice President for Business and Finance;
- (6) The Provost for Student Services;
- (7) The Director of University Relations;
- (8) The Dean, College of Letters and Sciences;
- (9) The Dean, School of Fine Arts;
- (10) The Dean, School of Human Learning and Development;
- (11) The Dean, Division of Health Sciences;
- (12) The Dean, School of Business Administration;
- (13) The Dean, School of Social Work and Human Services;
- (14) The University Librarian[; and]
- (15) The Business Manager.

[Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-020, filed 5/5/78; Order 73-7, § 172-180-020, filed 3/20/73.]

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

WAC 172-180-030 Scope of powers delegated to appointing authorities. The persons occupying the positions denominated in WAC 172-180-020 are delegated authority to terminate, suspend, or demote any classified service employee at Eastern Washington University without the prior approval of the Board of Trustees. Additionally, such appointing authorities previously denominated are authorized to make such appointments of eligible persons to classified positions at Eastern Washington University. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-030, filed 5/5/78; Order 73-7, § 172-180-030, filed 3/20/73.]

WAC 172-180-040 Effective date. Upon the date this rule becomes effective, in accordance with the Higher Education Personnel Act, this rule shall supersede the resolution adopted by the Board of Trustees of Eastern Washington University dated March 20, 1973. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-040, filed 5/5/78; Order 73-7, § 172-180-040, filed 3/20/73.]

Title 173 WAC ECOLOGY, DEPARTMENT OF

Chapters

- 173-02 Methods of operation and organization.
- 173-03 Public records.
- 173-06 Delegation of powers.
- 173-14 Permits for developments on shorelines of the state.
- 173-19 Shoreline Management Act of 1971--State master program.
- 173-22 Adoption of designations of wetlands associated with shorelines of the state.
- 173-24 Regulation relating to tax exemptions and credits for pollution control facilities.
- 173-30 Minimum water flows--Cedar River.
- 173-58 Sound level measurement procedures.
- 173-70 Watercraft noise performance standards.
- 173-124 Quincy ground-water management subarea and zones.
- 173-134 The establishment of regulations for the administration of the Quincy Ground Water Subarea established pursuant to RCW 90.44.130.
- 173-160 Minimum standards for construction and maintenance of water wells.
- 173-164 Water rate charges.
- 173-166 Emergency water withdrawal facilities.
- 173-201 Water quality standards for waters of the state of Washington.
- 173-230 Certification of operators of waste water treatment plants.
- 173-240 Submission of plans and reports for construction of wastewater facilities.
- 173-250 Construction grants program--Priority rating system and project priority list.

- 173-255 Limitations on use of Referendum 26 grant funds for water pollution abatement.
- 173-302 Hazardous waste regulation.
- 173-400 General regulations for air pollution sources.
- 173-490 Emission standards and controls for sources emitting volatile organic compounds (VOC).
- 173-507 Instream resources protection program-- Snohomish River Basin, Water Resource Inventory Area (WRIA) 7.
- 173-508 Instream resources protection program-- Cedar-Sammamish Basin, water resource inventory area (WRIA) 8.
- 173-512 Instream resources protection program-- Chambers-Clover Creeks Basin water resource inventory area (WRIA) 12.
- 173-530 Water resources program in the Klickitat River Basin, WRIA-30.
- 173-531 Water resource program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and parts of WRIAS 32, 33, 36, and 37.
- 173-800 Integration of policies and procedures of SEPA into the programs of the Department of Ecology.
- 173-801 Department of Ecology "SEPA" Guidelines.
- 173-805 Model ordinance for use in integration of SEPA guidelines.

Chapter 173-02 WAC METHODS OF OPERATION AND ORGANIZATION

WAC

173-02-010 through 173-02-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 173-02-010 Purpose. [Order 71-9, § 173-02-010, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.
- 173-02-020 General responsibilities. [Order 71-9, § 173-02-020, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.
- 173-02-030 Organization. [Order 71-9, § 173-02-030, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17-.250—42.17.340.
- 173-02-040 Functions. [Order 71-9, § 173-02-040, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.
- 173-02-050 Ecological commission. [Order 71-9, § 173-02-050, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17.250—42.17.340.
- 173-02-060 Public information. [Order 71-9, § 173-02-050, filed 8/4/71.] Repealed by 78-02-041 (Order DE 77-35), filed 1/17/78. Statutory Authority: RCW 42.17-.250—42.17.340.
- 173-02-070 Submissions and requests. [Order 71-9, § 173-02-070, filed 8/4/71.] Repealed by 78-02-041 (Order